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# HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

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## MESSAGE

FROM

# THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, ADOPTED ON OCTOBER 24, 1980, AT THE 14TH SESSION OF THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW AND SIGNED ON BEHALF OF THE UNITED STATES ON DECEMBER 23, 1981

NOVEMBER 5, 1985.—Convention was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for use of the Senate

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## LETTER OF TRANSMITTAL

THE WHITE HOUSE, *October 30, 1985.*

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Hague Convention on the Civil Aspects of International Child Abduction, adopted on October 24, 1980 by the Fourteenth Session of the Hague Conference on Private International Law and opened for signature on October 25, 1980.

The Convention is designed to secure the prompt return of children who have been abducted from their country of habitual residence or wrongfully retained outside that country. It also seeks to facilitate the exercise of visitation rights across international borders. The Convention reflects a worldwide concern about the harmful effects on children of parental kidnapping and a strong desire to fashion an effective deterrent to such conduct.

The Convention's approach to the problem of international child abduction is a simple one. The Convention is designed promptly to restore the factual situation that existed prior to a child's removal or retention. It does not seek to settle disputes about legal custody rights, nor does it depend upon the existence of court orders as a condition for returning children. The international abductor is denied legal advantage from the abduction to or retention in the country where the child is located, as resort to the Convention is to effect the child's swift return to his or her circumstances before the abduction or retention. In most cases this will mean return to the country of the child's habitual residence where any dispute about custody rights can be heard and settled.

The Convention calls for the establishment of a Central Authority in every Contracting State to assist applicants in securing the return of their children or in exercising their custody or visitation rights, and to cooperate and coordinate with their counterparts in other countries toward these ends. Moreover, the Convention establishes a judicial remedy in wrongful removal or retention cases which permits an aggrieved parent to seek a court order for the prompt return of the child when voluntary agreement cannot be achieved. An aggrieved parent may pursue both of these courses of action or seek a judicial remedy directly without involving the Central Authority of the country where the child is located.

The Convention would represent an important addition to the State and Federal laws currently in effect in the United States that are designed to combat parental kidnapping—specifically, the Uniform Child Custody Jurisdiction Act now in effect in every State in the country, the Parental Kidnapping Prevention Act of 1980, the 1982 Missing Children Act and the Missing Children's Assistance

Act. It would significantly improve the chances a parent in the United States has of recovering a child from a foreign Contracting State. It also provides a clear-cut method for parents abroad to apply for the return of children who have been wrongfully taken to or retained in this country. In short, by establishing a legal right and streamlined procedures for the prompt return of internationally abducted children, the Convention should remove many of the uncertainties and the legal difficulties that now confront parents in international child abduction cases.

Federal legislation will be submitted to provide for the smooth implementation of the Convention within the United States. This legislation will be consistent with the spirit and intent of recent congressional initiatives dealing with the problem of interstate child abduction and missing children.

United States ratification of the Convention is supported by the American Bar Association. The authorities of many States have indicated a willingness to do their part to assist the Federal government in carrying out the mandates of the Convention.

I recommend that the Senate give early and favorable consideration to the Convention and accord its advice and consent to ratification, subject to the reservations described in the accompanying report of the Secretary of State.

RONALD REAGAN.

# LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
*Washington, October 4, 1985.*

The PRESIDENT,
*The White House.*

THE PRESIDENT: I have the honor to submit to you the Hague Convention on the Civil Aspects of International Child Abduction with the recommendation that it be transmitted to the Senate for its advice and consent to ratification.

The Convention was adopted on October 24, 1980 at the Fourteenth Session of the Hague Conference on Private International Law in Plenary Session by unanimous vote of twenty-three member states of that organization. The Convention was opened for signature on October 25, 1980, at which time it was signed by Canada, France, Greece and Switzerland. It was signed on behalf of the United States on December 23, 1981, and has also been signed by Belgium and Portugal. The Convention is in force for France, Portugal, Switzerland and most parts of Canada.

The Convention stemmed from a proposal first advanced at a Hague Conference Special Commission meeting in 1976 that the Conference prepare a treaty responsive to the global problem of international child abduction. The overriding objective was to spare children the detrimental emotional effects associated with transnational parental kidnapping.

The Convention establishes a system of administrative and legal procedures to bring about the prompt return of children who are wrongfully removed to or retained in a Contracting State. A removal or retention is wrongful within the meaning of the Convention if it violates custody rights that are defined in an agreement or court order, or that arise by operation of law, provided these rights are actually exercised (Article 3), i.e., custody has not in effect been abandoned. The Convention applies to abductions that occur both before and after issuance of custody decrees, as well as abductions by a joint custodian (Article 3). Thus, a custody decree is not a prerequisite to invoking the Convention with a view to securing the child's return. By promptly restoring the *status quo ante*, subject to express requirements and exceptions, the Convention seeks to deny the abductor legal advantage in the country to which the child has been taken, as the courts of that country are under a treaty obligation to return the child without conducting legal proceedings on the merits of the underlying conflicting custody claims.

Each country must establish at least one national Central Authority primarily to process incoming and outgoing requests for assistance in securing the return of a child or the exercise of visitation rights (Article 6). In the United States the Central Authority

is to be located in an existing agency of the federal government which will, however, need to rely on state and local facilities, including the Federal Parent Locator Service and the private bar, in carrying out the measures listed in Article 7 of the Convention. These measures include best efforts to locate abducted or retained children, explore possibilities for their voluntary return, facilitate provision of legal services in connection with judicial proceedings, and coordinate arrangements for the child's return travel (Article 7).

Articles 11-17 are the major provisions governing legal proceedings for the return of an abducted child. Under the Convention, if a proceeding is brought less than a year from the date of the removal or retention and the court finds that the conduct was wrongful, the court is under a treaty obligation to order the child returned. When proceedings are brought a year or more after the date of the removal or retention, the court is still obligated to order the child returned unless the person resisting return demonstrates that the child is settled in the new environment (Article 12).

Although the Convention ceases to apply as soon as a child reaches sixteen years of age (Article 4), it does not limit the power of appropriate authorities to order the return of an abducted or wrongfully retained child at any time pursuant to other laws or procedures that may make return in the absence of a treaty obligation possible (Article 18).

Articles 13 and 20 enumerate those exceptional circumstances under which the court is not obligated by the Convention to order the child returned. The person opposing return of the child bears the burden of proving that: (1) custody rights were not actually being exercised at the time of the removal or retention by the person seeking return or the person seeking return had consented to or subsequently acquiesced in the removal or retention; or (2) there is a grave risk that return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation. A court also has discretion to refuse to order a child returned if it finds that the child objects to being returned and has reached an age or degree of maturity making it appropriate to consider his or her views (Article 13). A court may also deny a request to return a child if the return would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms (Article 20). Unless one of the enumerated exceptions to the return obligation is deemed to apply, courts in Contracting States will be under a treaty obligation to order a child returned.

Visitation rights are also protected by the Convention, but to a lesser extent than custody rights (Article 21). The remedies for breach of the "access rights" of the non-custodial parent do not include the return remedy provided by Article 12. However, the non-custodial parent may apply to the Central Authority under Article 21 for "organizing or securing the effective exercise of rights of access." The Central Authority is to promote the peaceful enjoyment of these rights. The Convention is supportive of the exercise of visitation rights, i.e., visits of children with non-custodial parents, by providing for the prompt return of children if the non-custodial parent should seek to retain them beyond the end of the visi-

tation period. In this way the Convention seeks to address the major concern of a custodial parent about permitting a child to visit the non-custodial parent abroad.

If the Convention machinery succeeds in rapidly restoring children to their pre-abduction or pre-retention circumstances, it will have the desirable effect of deterring parental kidnapping, as the legal and other incentives for wrongful removal or retention will have been eliminated. Indeed, while it is hoped that the Convention will be effective in returning children in individual cases, the full extent of its success may never by quantifiable as an untold number of potential parental kidnappings may have been deterred.

This country's participation in the development of the Convention was a logical extension of U.S. membership in the Hague Conference on Private International Law and bipartisan domestic concern with interstate parental kidnapping, a phenomenon with roots in the high U.S. divorce rate and mobility of the population. In response to the public outcry over parental kidnapping, all states and the District of Columbia enacted the Uniform Child Custody Jurisdiction Act (UCCJA), and Congress has enacted the Parental Kidnapping Prevention Act (PKPA), the Missing Children Act, and the Missing Children's Assistance Act. These statutes address almost exclusively problems associated with inter-state parental kidnapping. The Convention will expand the remedies available to victims of parental kidnapping from or to the United States.

The Convention will be of great assistance to parents in the United States whose children are wrongfully taken to or retained in other Contracting States. Such persons now have no choice but to utilize laws and procedures applicable to recognition and enforcement of foreign custody decrees in the country in which the child is located. It is often necessary to retain a foreign lawyer and to apply or reapply for custody to a foreign court, which typically pits the U.S. petitioner against the abducting parent who may have his or her origins in that foreign country and may thus have the benefit of defending the custody suit in what may be a friendly forum. The Convention will be especially meaningful to parents whose children are abducted before U.S. custody orders have been issued because return proceedings under the Convention are not contingent upon the existence of such orders.

At any given time during the past several years, about half of the several hundred requests to the Department of State for assistance in recovering children taken out of the United States have involved abductions to countries which participated in the preparation and negotiation of the Hague Convention. This suggests that U.S. ratification of the Convention, and its ultimate ratification by many of those other countries, is likely to benefit a substantial number of future victim children and parents residing in the United States.

For parents residing outside the United States whose children have been wrongfully taken to or retained in this country, the Convention will likewise serve as a vehicle for prompt return. In such cases involving violations of existing foreign court orders, the victim parent outside the United States may either invoke the Convention or seek return of the child in connection with an action for recognition of the foreign custody decree pursuant to the UCCJA

or other available means. The Convention will be expecially advantageous in pre-decree abduction cases where no court order exists that may be enforced under the UCCJA.

The Convention has received widespread support. The Secretary of State's Advisory Committee on Private International Law—on which ten major national legal organizations interested in international efforts to unify private law are represented—has endorsed the Convention for U.S. ratification. The House of Delegates of the American Bar Association adopted a resolution in February, 1981 urging U.S. signature and ratification of the Convention. U.S. ratification is also supported by the Department of Justice and the Department of Health Services. In reply to a State Department letter inquiring whether and how the states of the United States could assist in implementing the Convention if it were ratified by the United States, officials of many states welcomed the Convention in principle and expressed general willingness to cooperate with the federal Central Authority in its implementation.

The Department believes that federal legislation will be needed fully to give effect to various provisions of the Convention. Draft legislation is being prepared for introduction in both houses of Congress. The United States instrument of ratification would be deposited only after satisfactory legislation has been enacted.

I recommend that the United States enter two reservations at the time of deposit of its instrument of ratification, both of which are specifically permitted by the Convention.

(1) The United States should enter a reservation to ensure that all documents sent to the U.S. Central Authority in a foreign language are accompanied by a translation into English: The reservation should read:

> Pursuant to the second paragraph of Article 24, and Article 42, the United States makes the following reservation: All applications, communications and other documents sent to the United States Central Authority should be accompanied by their translation into English.

(2) The second reservation should read:

> Pursuant to the third paragraph of Article 26, the United States declares that it will not be bound to assume any costs or expenses resulting from the participation of legal counsel or advisers or from court and legal proceedings in connection with efforts to return children from the United States pursuant to the Convention except insofar as those costs or expenses are covered by a legal aid program.

It is hoped that the Senate will promptly consider this Convention and give its advice and consent to its ratification by the United States.

Respectfully submitted,

GEORGE P. SHULTZ.

**Convention sur les aspects civils de l'enlèvement international d'enfants**

Les Etats signataires de la présente Convention,

Profondément convaincus que l'intérêt de l'enfant est d'une importance primordiale pour toute question relative à sa garde,

Désirant protéger l'enfant, sur le plan international, contre les effets nuisibles d'un déplacement ou d'un non-retour illicites et établir des procédures en vue de garantir le retour immédiat de l'enfant dans l'Etat de sa résidence habituelle, ainsi que d'assurer la protection du droit de visite,

Ont résolu de conclure une Convention à cet effet, et sont convenus des dispositions suivantes:

## CHAPITRE I
## CHAMP D'APPLICATION DE LA CONVENTION

### Article premier

La présente Convention a pour objet:

*a* d'assurer le retour immédiat des enfants déplacés ou retenus illicitement dans tout Etat contractant;

*b* de faire respecter effectivement dans les autres Etats contractants les droits de garde et de visite existant dans un Etat contractant.

### Article 2

Les Etats contractants prennent toutes mesures appropriées pour assurer, dans les limites de leur territoire, la réalisation des objectifs de la Convention. A cet effet, ils doivent recourir à leurs procédures d'urgence.

### Article 3

Le déplacement ou le non-retour d'un enfant est considéré comme illicite:

*a* lorsqu'il a lieu en violation d'un droit de garde, attribué à une personne, une institution ou tout autre organisme, seul ou conjointement, par le droit de l'Etat dans lequel l'enfant avait sa résidence habituelle immédiatement avant son déplacement ou son non-retour; et

*b* que ce droit était exercé de façon effective seul ou conjointement, au moment du déplacement ou du non-retour, ou l'eût été si de tels événements n'étaient survenus.

Le droit de garde visé en *a* peut notamment résulter d'une attribution de plein droit, d'une décision judiciaire ou administrative, ou d'un accord en vigueur selon le droit de cet Etat.

### Article 4

La Convention s'applique à tout enfant qui avait sa résidence habituelle dans un Etat contractant immédiatement avant l'atteinte aux droits de garde ou de visite. L'application de la Convention cesse lorsque l'enfant parvient à l'âge de 16 ans.

### Article 5

Au sens de la présente Convention:

*a* le «droit de garde» comprend le droit portant sur les soins de la personne de l'enfant, et en particulier celui de décider de son lieu de résidence;

*b* le «droit de visite» comprend le droit d'emmener l'enfant pour une période limitée dans un lieu autre que celui de sa résidence habituelle.

**Convention on the Civil Aspects of International Child Abduction**

The States signatory to the present Convention,

Firmly convinced that the interests of children are of paramount importance in matters relating to their custody,

Desiring to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access,

Have resolved to conclude a Convention to this effect, and have agreed upon the following provisions –

## CHAPTER I
## SCOPE OF THE CONVENTION

### Article 1

The objects of the present Convention are –

*a* to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and

*b* to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

### Article 2

Contracting States shall take all appropriate measures to secure within their territories the implementation of the objects of the Convention. For this purpose they shall use the most expeditious procedures available.

### Article 3

The removal or the retention of a child is to be considered wrongful where –

*a* it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and

*b* at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

The rights of custody mentioned in sub-paragraph *a* above, may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State.

### Article 4

The Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years.

### Article 5

For the purposes of this Convention –

*a* 'rights of custody' shall include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence;

*b* 'rights of access' shall include the right to take a child for a limited period of time to a place other than the child's habitual residence.

## CHAPITRE II
## AUTORITÉS CENTRALES

### Article 6

Chaque Etat contractant désigne une Autorité centrale chargée de satisfaire aux obligations qui lui sont imposées par la Convention.
Un Etat fédéral, un Etat dans lequel plusieurs systèmes de droit sont en vigueur ou un Etat ayant des organisations territoriales autonomes, est libre de désigner plus d'une Autorité centrale et de spécifier l'étendue territoriale des pouvoirs de chacune de ces Autorités. L'Etat qui fait usage de cette faculté désigne l'Autorité centrale à laquelle les demandes peuvent être adressées en vue de leur transmission à l'Autorité centrale compétente au sein de cet Etat.

### Article 7

Les Autorités centrales doivent coopérer entre elles et promouvoir une collaboration entre les autorités compétentes dans leurs Etats respectifs, pour assurer le retour immédiat des enfants et réaliser les autres objectifs de la présente Convention.
En particulier, soit directement, soit avec le concours de tout intermédiaire, elles doivent prendre toutes les mesures appropriées:

*a* pour localiser un enfant déplacé ou retenu illicitement;

*b* pour prévenir de nouveaux dangers pour l'enfant ou des préjudices pour les parties concernées, en prenant ou faisant prendre des mesures provisoires;

*c* pour assurer la remise volontaire de l'enfant ou faciliter une solution amiable;

*d* pour échanger, si cela s'avère utile, des informations relatives à la situation sociale de l'enfant;

*e* pour fournir des informations générales concernant le droit de leur Etat relatives à l'application de la Convention;

*f* pour introduire ou favoriser l'ouverture d'une procédure judiciaire ou administrative, afin d'obtenir le retour de l'enfant et, le cas échéant, de permettre l'organisation ou l'exercice effectif du droit de visite;

*g* pour accorder ou faciliter, le cas échéant, l'obtention de l'assistance judiciaire et juridique, y compris la participation d'un avocat;

*h* pour assurer, sur le plan administratif, si nécessaire et opportun, le retour sans danger de l'enfant;

*i* pour se tenir mutuellement informées sur le fonctionnement de la Convention et, autant que possible, lever les obstacles éventuellement rencontrés lors de son application.

## CHAPITRE III
## RETOUR DE L'ENFANT

### Article 8

La personne, l'institution ou l'organisme qui prétend qu'un enfant a été déplacé ou retenu en violation d'un droit de garde peut saisir soit l'Autorité centrale de la résidence habituelle de l'enfant, soit celle de tout autre Etat contractant, pour que celles-ci prêtent leur assistance en vue d'assurer le retour de l'enfant.
La demande doit contenir:

*a* des informations portant sur l'identité du demandeur, de l'enfant et de la personne dont il est allégué qu'elle a emmené ou retenu l'enfant;

## CHAPTER II
## CENTRAL AUTHORITIES

### Article 6

A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.
Federal States, States with more than one system of law or States having autonomous territorial organizations shall be free to appoint more than one Central Authority and to specify the territorial extent of their powers. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which applications may be addressed for transmission to the appropriate Central Authority within that State.

### Article 7

Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention.
In particular, either directly or through any intermediary, they shall take all appropriate measures –

*a* to discover the whereabouts of a child who has been wrongfully removed or retained;

*b* to prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;

*c* to secure the voluntary return of the child or to bring about an amicable resolution of the issues;

*d* to exchange, where desirable, information relating to the social background of the child;

*e* to provide information of a general character as to the law of their State in connection with the application of the Convention;

*f* to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organizing or securing the effective exercise of rights of access;

*g* where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;

*h* to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child;

*i* to keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacles to its application.

## CHAPTER III
## RETURN OF CHILDREN

### Article 8

Any person, institution or other body claiming that a child has been removed or retained in breach of custody rights may apply either to the Central Authority of the child's habitual residence or to the Central Authority of any other Contracting State for assistance in securing the return of the child.
The application shall contain –

*a* information concerning the identity of the applicant, of the child and of the person alleged to have removed or retained the child;

*b* la date de naissance de l'enfant, s'il est possible de se la procurer;

*c* les motifs sur lesquels se base le demandeur pour réclamer le retour de l'enfant;

*d* toutes informations disponibles concernant la localisation de l'enfant et l'identité de la personne avec laquelle l'enfant est présumé se trouver.

La demande peut être accompagnée ou complétée par:

*e* une copie authentifiée de toute décision ou de tout accord utiles;

*f* une attestation ou une déclaration avec affirmation émanant de l'Autorité centrale, ou d'une autre autorité compétente de l'Etat de la résidence habituelle, ou d'une personne qualifiée, concernant le droit de l'Etat en la matière;

*g* tout autre document utile.

Article 9

Quand l'Autorité centrale qui est saisie d'une demande en vertu de l'article 8 a des raisons de penser que l'enfant se trouve dans un autre Etat contractant, elle transmet la demande directement et sans délai à l'Autorité centrale de cet Etat contractant et en informe l'Autorité centrale requérante ou, le cas échéant, le demandeur.

Article 10

L'Autorité centrale de l'Etat où se trouve l'enfant prendra ou fera prendre toute mesure propre à assurer sa remise volontaire.

Article 11

Les autorités judiciaires ou administratives de tout Etat contractant doivent procéder d'urgence en vue du retour de l'enfant.
Lorsque l'autorité judiciaire ou administrative saisie n'a pas statué dans un délai de six semaines à partir de sa saisine, le demandeur ou l'Autorité centrale de l'Etat requis, de sa propre initiative ou sur requête de l'Autorité centrale de l'Etat requérant, peut demander une déclaration sur les raisons de ce retard. Si la réponse est reçue par l'Autorité centrale de l'Etat requis, cette Autorité doit la transmettre à l'Autorité centrale de l'Etat requérant ou, le cas échéant, au demandeur.

Article 12

Lorsqu'un enfant a été déplacé ou retenu illicitement au sens de l'article 3 et qu'une période de moins d'un an s'est écoulée à partir du déplacement ou du non-retour au moment de l'introduction de la demande devant l'autorité judiciaire ou administrative de l'Etat contractant où se trouve l'enfant, l'autorité saisie ordonne son retour immédiat.

L'autorité judiciaire ou administrative, même saisie après l'expiration de la période d'un an prévue à l'alinéa précédent, doit aussi ordonner le retour de l'enfant, à moins qu'il ne soit établi que l'enfant s'est intégré dans son nouveau milieu.

Lorsque l'autorité judiciaire ou administrative de l'Etat requis a des raisons de croire que l'enfant a été emmené dans un autre Etat, elle peut suspendre la procédure ou rejeter la demande de retour de l'enfant.

*b* where available, the date of birth of the child;

*c* the grounds on which the applicant's claim for return of the child is based;

*d* all available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be.

The application may be accompanied or supplemented by –

*e* an authenticated copy of any relevant decision or agreement;

*f* a certificate or an affidavit emanating from a Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State;

*g* any other relevant document.

Article 9

If the Central Authority which receives an application referred to in Article 8 has reason to believe that the child is in another Contracting State, it shall directly and without delay transmit the application to the Central Authority of that Contracting State and inform the requesting Central Authority, or the applicant, as the case may be.

Article 10

The Central Authority of the State where the child is shall take or cause to be taken all appropriate measures in order to obtain the voluntary return of the child.

Article 11

The judicial or administrative authorities of Contracting States shall act expeditiously in proceedings for the return of children.
If the judicial or administrative authority concerned has not reached a decision within six weeks from the date of commencement of the proceedings, the applicant or the Central Authority of the requested State, on its own initiative or if asked by the Central Authority of the requesting State, shall have the right to request a statement of the reasons for the delay. If a reply is received by the Central Authority of the requested State, that Authority shall transmit the reply to the Central Authority of the requesting State, or to the applicant, as the case may be.

Article 12

Where a child has been wrongfully removed or retained in terms of Article 3 and, at the date of the commencement of the proceedings before the judicial or administrative authority of the Contracting State where the child is, a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned shall order the return of the child forthwith.
The judicial or administrative authority, even where the proceedings have been commenced after the expiration of the period of one year referred to in the preceding paragraph, shall also order the return of the child, unless it is demonstrated that the child is now settled in its new environment.
Where the judicial or administrative authority in the requested State has reason to believe that the child has been taken to another State, it may stay the proceedings or dismiss the application for the return of the child.

Article 13

Nonobstant les dispositions de l'article précédent, l'autorité judiciaire ou administrative de l'Etat requis n'est pas tenue d'ordonner le retour de l'enfant, lorsque la personne, l'institution ou l'organisme qui s'oppose à son retour établit:

*a* que la personne, l'institution ou l'organisme qui avait le soin de la personne de l'enfant n'exerçait pas effectivement le droit de garde à l'époque du déplacement ou du non-retour, ou avait consenti ou a acquiescé postérieurement à ce déplacement ou à ce non-retour; ou

*b* qu'il existe un risque grave que le retour de l'enfant ne l'expose à un danger physique ou psychique, ou de toute autre manière ne le place dans une situation intolérable.

L'autorité judiciaire ou administrative peut aussi refuser d'ordonner le retour de l'enfant si elle constate que celui-ci s'oppose à son retour et qu'il a atteint un âge et une maturité où il se révèle approprié de tenir compte de cette opinion.

Dans l'appréciation des circonstances visées dans cet article, les autorités judiciaires ou administratives doivent tenir compte des informations fournies par l'Autorité centrale ou toute autre autorité compétente de l'Etat de la résidence habituelle de l'enfant sur sa situation sociale.

Article 14

Pour déterminer l'existence d'un déplacement ou d'un non-retour illicite au sens de l'article 3, l'autorité judiciaire ou administrative de l'Etat requis peut tenir compte directement du droit et des décisions judiciaires ou administratives reconnues formellement ou non dans l'Etat de la résidence habituelle de l'enfant, sans avoir recours aux procédures spécifiques sur la preuve de ce droit ou pour la reconnaissance des décisions étrangères qui seraient autrement applicables.

Article 15

Les autorités judiciaires ou administratives d'un Etat contractant peuvent, avant d'ordonner le retour de l'enfant, demander la production par le demandeur d'une décision ou d'une attestation émanant des autorités de l'Etat de la résidence habituelle de l'enfant constatant que le déplacement ou le non-retour était illicite au sens de l'article 3 de la Convention, dans la mesure où cette décision ou cette attestation peut être obtenue dans cet Etat. Les Autorités centrales des Etats contractants assistent dans la mesure du possible le demandeur pour obtenir une telle décision ou attestation.

Article 16

Après avoir été informées du déplacement illicite d'un enfant ou de son non-retour dans le cadre de l'article 3, les autorités judiciaires ou administratives de l'Etat contractant où l'enfant a été déplacé ou retenu ne pourront statuer sur le fond du droit de garde jusqu'à ce qu'il soit établi que les conditions de la présente Convention pour un retour de l'enfant ne sont pas réunies, ou jusqu'à ce qu'une période raisonnable ne se soit écoulée sans qu'une demande en application de la Convention n'ait été faite.

Article 17

Le seul fait qu'une décision relative à la garde ait été rendue ou soit susceptible d'être reconnue dans l'Etat requis ne peut justifier le refus de renvoyer l'enfant dans le cadre de cette Convention, mais les autorités judiciaires ou administratives de l'Etat requis peuvent prendre en considération les motifs de cette décision qui rentreraient dans le cadre de l'application de la Convention.

Article 13

Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that –

*a* the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention; or

*b* there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.

The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.

In considering the circumstances referred to in this Article, the judicial and administrative authorities shall take into account the information relating to the social background of the child provided by the Central Authority or other competent authority of the child's habitual residence.

Article 14

In ascertaining whether there has been a wrongful removal or retention within the meaning of Article 3, the judicial or administrative authorities of the requested State may take notice directly of the law of, and of judicial or administrative decisions, formally recognized or not in the State of the habitual residence of the child, without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable.

Article 15

The judicial or administrative authorities of a Contracting State may, prior to the making of an order for the return of the child, request that the applicant obtain from the authorities of the State of the habitual residence of the child a decision or other determination that the removal or retention was wrongful within the meaning of Article 3 of the Convention, where such a decision or determination may be obtained in that State. The Central Authorities of the Contracting States shall so far as practicable assist applicants to obtain such a decision or determination.

Article 16

After receiving notice of a wrongful removal or retention of a child in the sense of Article 3, the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained shall not decide on the merits of rights of custody until it has been determined that the child is not to be returned under this Convention or unless an application under this Convention is not lodged within a reasonable time following receipt of the notice.

Article 17

The sole fact that a decision relating to custody has been given in or is entitled to recognition in the requested State shall not be a ground for refusing to return a child under this Convention, but the judicial or administrative authorities of the requested State may take account of the reasons for that decision in applying this Convention.

Article 18

Les dispositions de ce chapitre ne limitent pas le pouvoir de l'autorité judiciaire ou administrative d'ordonner le retour de l'enfant à tout moment.

Article 19

Une décision sur le retour de l'enfant rendue dans le cadre de la Convention n'affecte pas le fond du droit de garde.

Article 20

Le retour de l'enfant conformément aux dispositions de l'article 12 peut être refusé quand il ne serait pas permis par les principes fondamentaux de l'Etat requis sur la sauvegarde des droits de l'homme et des libertés fondamentales.

CHAPITRE IV
DROIT DE VISITE

Article 21

Une demande visant l'organisation ou la protection de l'exercice effectif d'un droit de visite peut être adressée à l'Autorité centrale d'un Etat contractant selon les mêmes modalités qu'une demande visant au retour de l'enfant.

Les Autorités centrales sont liées par les obligations de coopération visées à l'article 7 pour assurer l'exercice paisible du droit de visite et l'accomplissement de toute condition à laquelle l'exercice de ce droit serait soumis, et pour que soient levés, dans toute la mesure du possible, les obstacles de nature à s'y opposer.

Les Autorités centrales, soit directement, soit par des intermédiaires, peuvent entamer ou favoriser une procédure légale en vue d'organiser ou de protéger le droit de visite et les conditions auxquelles l'exercice de ce droit pourrait être soumis.

CHAPITRE V
DISPOSITIONS GÉNÉRALES

Article 22

Aucune caution ni aucun dépôt, sous quelque dénomination que ce soit, ne peut être imposé pour garantir le paiement des frais et dépens dans le contexte des procédures judiciaires ou administratives visées par la Convention.

Article 23

Aucune légalisation ni formalité similaire ne sera requise dans le contexte de la Convention.

Article 24

Toute demande, communication ou autre document sont envoyés dans leur langue originale à l'Autorité centrale de l'Etat requis et accompagnés d'une traduction dans la langue officielle ou l'une des langues officielles de cet Etat ou, lorsque cette traduction est difficilement réalisable, d'une traduction en français ou en anglais.
Toutefois, un Etat contractant pourra, en faisant la réserve prévue à l'article 42, s'opposer à l'utilisation soit du français, soit de l'anglais, dans toute demande, communication ou autre document adressés à son Autorité centrale.

Article 18

The provisions of this Chapter do not limit the power of a judicial or administrative authority to order the return of the child at any time.

Article 19

A decision under this Convention concerning the return of the child shall not be taken to be a determination on the merits of any custody issue.

Article 20

The return of the child under the provisions of Article 12 may be refused if this would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms.

CHAPTER IV
RIGHTS OF ACCESS

Article 21

An application to make arrangements for organizing or securing the effective exercise of rights of access may be presented to the Central Authorities of the Contracting States in the same way as an application for the return of a child.
The Central Authorities are bound by the obligations of co-operation which are set forth in Article 7 to promote the peaceful enjoyment of access rights and the fulfilment of any conditions to which the exercise of those rights may be subject. The Central Authorities shall take steps to remove, as far as possible, all obstacles to the exercise of such rights.
The Central Authorities, either directly or through intermediaries, may initiate or assist in the institution of proceedings with a view to organizing or protecting these rights and securing respect for the conditions to which the exercise of these rights may be subject.

CHAPTER V
GENERAL PROVISIONS

Article 22

No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in the judicial or administrative proceedings falling within the scope of this Convention.

Article 23

No legalization or similar formality may be required in the context of this Convention.

Article 24

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.
However, a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

Article 25

Les ressortissants d'un Etat contractant et les personnes qui résident habituellement dans cet Etat auront droit, pour tout ce qui concerne l'application de la Convention, à l'assistance judiciaire et juridique dans tout autre Etat contractant, dans les mêmes conditions que s'ils étaient eux-mêmes ressortissants de cet autre Etat et y résidaient habituellement.

Article 26

Chaque Autorité centrale supportera ses propres frais en appliquant la Convention.

L'Autorité centrale et les autres services publics des Etats contractants n'imposeront aucun frais en relation avec les demandes introduites en application de la Convention. Notamment, ils ne peuvent réclamer du demandeur le paiement des frais et dépens du procès ou, éventuellement, des frais entraînés par la participation d'un avocat. Cependant, ils peuvent demander le paiement des dépenses causées ou qui seraient causées par les opérations liées au retour de l'enfant.

Toutefois, un Etat contractant pourra, en faisant la réserve prévue à l'article 42, déclarer qu'il n'est tenu au paiement des frais visés à l'alinéa précédent, liés à la participation d'un avocat ou d'un conseiller juridique, ou aux frais de justice, que dans la mesure où ces coûts peuvent être couverts par son système d'assistance judiciaire et juridique.

En ordonnant le retour de l'enfant ou en statuant sur le droit de visite dans le cadre de la Convention, l'autorité judiciaire ou administrative peut, le cas échéant, mettre à la charge de la personne qui a déplacé ou qui a retenu l'enfant, ou qui a empêché l'exercice du droit de visite, le paiement de tous frais nécessaires engagés par le demandeur ou en son nom, notamment des frais de voyage, des frais de représentation judiciaire du demandeur et de retour de l'enfant, ainsi que de tous les coûts et dépenses faits pour localiser l'enfant.

Article 27

Lorsqu'il est manifeste que les conditions requises par la Convention ne sont pas remplies ou que la demande n'est pas fondée, une Autorité centrale n'est pas tenue d'accepter une telle demande. En ce cas, elle informe immédiatement de ses motifs le demandeur ou, le cas échéant, l'Autorité centrale qui lui a transmis la demande.

Article 28

Une Autorité centrale peut exiger que la demande soit accompagnée d'une autorisation par écrit lui donnant le pouvoir d'agir pour le compte du demandeur, ou de désigner un représentant habilité à agir en son nom.

Article 29

La Convention ne fait pas obstacle à la faculté pour la personne, l'institution ou l'organisme qui prétend qu'il y a eu une violation du droit de garde ou de visite au sens des articles 3 ou 21 de s'adresser directement aux autorités judiciaires ou administratives des Etats contractants, par application ou non des dispositions de la Convention.

Article 30

Toute demande, soumise à l'Autorité centrale ou directement aux autorités judiciaires ou administratives d'un Etat contractant par application de la Convention, ainsi que tout document ou information qui y serait annexé ou fourni par une Autorité centrale, seront recevables devant les

Article 25

Nationals of the Contracting States and persons who are habitually resident within those States shall be entitled in matters concerned with the application of this Convention to legal aid and advice in any other Contracting State on the same conditions as if they themselves were nationals of and habitually resident in that State.

Article 26

Each Central Authority shall bear its own costs in applying this Convention.

Central Authorities and other public services of Contracting States shall not impose any charges in relation to applications submitted under this Convention. In particular, they may not require any payment from the applicant towards the costs and expenses of the proceedings or, where applicable, those arising from the participation of legal counsel or advisers. However, they may require the payment of the expenses incurred or to be incurred in implementing the return of the child.

However, a Contracting State may, by making a reservation in accordance with Article 42, declare that it shall not be bound to assume any costs referred to in the preceding paragraph resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.

Upon ordering the return of a child or issuing an order concerning rights of access under this Convention, the judicial or administrative authorities may, where appropriate, direct the person who removed or retained the child, or who prevented the exercise of rights of access, to pay necessary expenses incurred by or on behalf of the applicant, including travel expenses, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

Article 27

When it is manifest that the requirements of this Convention are not fulfilled or that the application is otherwise not well founded, a Central Authority is not bound to accept the application. In that case, the Central Authority shall forthwith inform the applicant or the Central Authority through which the application was submitted, as the case may be, of its reasons.

Article 28

A Central Authority may require that the application be accompanied by a written authorization empowering it to act on behalf of the applicant, or to designate a representative so to act.

Article 29

This Convention shall not preclude any person, institution or body who claims that there has been a breach of custody or access rights within the meaning of Article 3 or 21 from applying directly to the judicial or administrative authorities of a Contracting State, whether or not under the provisions of this Convention.

Article 30

Any application submitted to the Central Authorities or directly to the judicial or administrative authorities of a Contracting State in accordance with the terms of this Convention, together with documents and any other information appended thereto or provided by a Central

tribunaux ou les autorités administratives des Etats contractants.

Article 31

Au regard d'un Etat qui connaît en matière de garde des enfants deux ou plusieurs systèmes de droit applicables dans des unités territoriales différentes:

*a* toute référence à la résidence habituelle dans cet Etat vise la résidence habituelle dans une unité territoriale de cet Etat;

*b* toute référence à la loi de l'Etat de la résidence habituelle vise la loi de l'unité territoriale dans laquelle l'enfant a sa résidence habituelle.

Article 32

Au regard d'un Etat connaissant en matière de garde des enfants deux ou plusieurs systèmes de droit applicables à des catégories différentes de personnes, toute référence à la loi de cet Etat vise le système de droit désigné par le droit de celui-ci.

Article 33

Un Etat dans lequel différentes unités territoriales ont leurs propres règles de droit en matière de garde des enfants ne sera pas tenu d'appliquer la Convention lorsqu'un Etat dont le système de droit est unifié ne serait pas tenu de l'appliquer.

Article 34

Dans les matières auxquelles elle s'applique, la Convention prévaut sur la *Convention du 5 octobre 1961 concernant la compétence des autorités et la loi applicable en matière de protection des mineurs*, entre les Etats Parties aux deux Conventions. Par ailleurs, la présente Convention n'empêche pas qu'un autre instrument international liant l'Etat d'origine et l'Etat requis, ni que le droit non conventionnel de l'Etat requis, ne soient invoqués pour obtenir le retour d'un enfant qui a été déplacé ou retenu illicitement ou pour organiser le droit de visite.

Article 35

La Convention ne s'applique entre les Etats contractants qu'aux enlèvements ou aux non-retours illicites qui se sont produits après son entrée en vigueur dans ces Etats.
Si une déclaration a été faite conformément aux articles 39 ou 40, la référence à un Etat contractant faite à l'alinéa précédent signifie l'unité ou les unités territoriales auxquelles la Convention s'applique.

Article 36

Rien dans la Convention n'empêche deux ou plusieurs Etats contractants, afin de limiter les restrictions auxquelles le retour de l'enfant peut être soumis, de convenir entre eux de déroger à celles de ses dispositions qui peuvent impliquer de telles restrictions.

CHAPITRE VI
CLAUSES FINALES

Article 37

La Convention est ouverte à la signature des Etats qui étaient Membres de la Conférence de La Haye de droit international privé lors de sa Quatorzième session.

Authority, shall be admissible in the courts or administrative authorities of the Contracting States.

Article 31

In relation to a State which in matters of custody of children has two or more systems of law applicable in different territorial units –

*a* any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State;

*b* any reference to the law of the State of habitual residence shall be construed as referring to the law of the territorial unit in that State where the child habitually resides.

Article 32

In relation to a State which in matters of custody of children has two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

Article 33

A State within which different territorial units have their own rules of law in respect of custody of children shall not be bound to apply this Convention where a State with a unified system of law would not be bound to do so.

Article 34

This Convention shall take priority in matters within its scope over the *Convention of 5 October 1961 concerning the powers of authorities and the law applicable in respect of the protection of minors*, as between Parties to both Conventions. Otherwise the present Convention shall not restrict the application of an international instrument in force between the State of origin and the State addressed or other law of the State addressed for the purposes of obtaining the return of a child who has been wrongfully removed or retained or of organizing access rights.

Article 35

This Convention shall apply as between Contracting States only to wrongful removals or retentions occurring after its entry into force in those States.
Where a declaration has been made under Article 39 or 40, the reference in the preceding paragraph to a Contracting State shall be taken to refer to the territorial unit or units in relation to which this Convention applies.

Article 36

Nothing in this Convention shall prevent two or more Contracting States, in order to limit the restrictions to which the return of the child may be subject, from agreeing among themselves to derogate from any provisions of this Convention which may imply such a restriction.

CHAPTER VI
FINAL CLAUSES

Article 37

The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fourteenth Session.

Elle sera ratifiée, acceptée ou approuvée et les instruments de ratification, d'acceptation ou d'approbation seront déposés auprès du Ministère des Affaires Etrangères du Royaume des Pays-Bas.

Article 38

Tout autre Etat pourra adhérer à la Convention.
L'instrument d'adhésion sera déposé auprès du Ministère des Affaires Etrangères du Royaume des Pays-Bas.

La Convention entrera en vigueur, pour l'Etat adhérant, le premier jour du troisième mois du calendrier après le dépôt de son instrument d'adhésion.
L'adhésion n'aura d'effet que dans les rapports entre l'Etat adhérant et les Etats contractants qui auront déclaré accepter cette adhésion. Une telle déclaration devra également être faite par tout Etat membre ratifiant, acceptant ou approuvant la Convention ultérieurement à l'adhésion. Cette déclaration sera déposée auprès du Ministère des Affaires Etrangères du Royaume des Pays-Bas; celui-ci en enverra, par la voie diplomatique, une copie certifiée conforme, à chacun des Etats contractants.

La Convention entrera en vigueur entre l'Etat adhérant et l'Etat ayant déclaré accepter cette adhésion le premier jour du troisième mois du calendrier après le dépôt de la déclaration d'acceptation

Article 39

Tout Etat, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, pourra déclarer que la Convention s'étendra à l'ensemble des territoires qu'il représente sur le plan international ou à l'un ou plusieurs d'entre eux. Cette déclaration aura effet au moment où elle entre en vigueur pour cet Etat.
Cette déclaration, ainsi que toute extension ultérieure, seront notifiées au Ministère des Affaires Etrangères du Royaume des Pays-Bas.

Article 40

Un Etat contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent aux matières régies par cette Convention pourra, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, déclarer que la présente Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou à plusieurs d'entre elles, et pourra à tout moment modifier cette déclaration en faisant une nouvelle déclaration.
Ces déclarations seront notifiées au Ministère des Affaires Etrangères du Royaume des Pays-Bas et indiqueront expressément les unités territoriales auxquelles la Convention s'applique.

Article 41

Lorsqu'un Etat contractant a un système de gouvernement en vertu duquel les pouvoirs exécutif, judiciaire et législatif sont partagés entre des Autorités centrales et d'autres autorités de cet Etat, la signature, la ratification, l'acceptation ou l'approbation de la Convention, ou l'adhésion à celle-ci, ou une déclaration faite en vertu de l'article 40, n'emportera aucune conséquence quant au partage interne des pouvoirs dans cet Etat.

Article 42

Tout Etat contractant pourra, au plus tard au moment de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, ou au moment d'une déclaration faite en vertu

It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 38

Any other State may accede to the Convention.
The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.
The Convention shall enter into force for a State acceding to it on the first day of the third calendar month after the deposit of its instrument of accession.
The accession will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession. Such a declaration will also have to be made by any Member State ratifying, accepting or approving the Convention after an accession. Such declaration shall be deposited at the Ministry of Foreign Affairs of the Kingdom of the Netherlands; this Ministry shall forward, through diplomatic channels, a certified copy to each of the Contracting States.
The Convention will enter into force as between the acceding State and the State that has declared its acceptance of the accession on the first day of the third calendar month after the deposit of the declaration of acceptance.

Article 39

Any State may, at the time of signature, ratification, acceptance, approval or accession, declare that the Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect at the time the Convention enters into force for that State.
Such declaration, as well as any subsequent extension, shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 40

If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

Any such declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and shall state expressly the territorial units to which the Convention applies.

Article 41

Where a Contracting State has a system of government under which executive, judicial and legislative powers are distributed between central and other authorities within that State, its signature or ratification, acceptance or approval of, or accession to this Convention, or its making of any declaration in terms of Article 40 shall carry no implication as to the internal distribution of powers within that State.

Article 42

Any State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 39 or 40, make

des articles 39 ou 40, faire soit l'une, soit les deux réserves prévues aux articles 24 et 26, alinéa 3. Aucune autre réserve ne sera admise.
Tout Etat pourra, à tout moment, retirer une réserve qu'il aura faite. Ce retrait sera notifié au Ministère des Affaires Etrangères du Royaume des Pays-Bas.
L'effet de la réserve cessera le premier jour du troisième mois du calendrier après la notification mentionnée à l'alinéa précédent.

Article 43

La Convention entrera en vigueur le premier jour du troisième mois du calendrier après le dépôt du troisième instrument de ratification, d'acceptation, d'approbation ou d'adhésion prévu par les articles 37 et 38.

Ensuite, la Convention entrera en vigueur:

1 pour chaque Etat ratifiant, acceptant, approuvant ou adhérant postérieurement le premier jour du troisième mois du calendrier après le dépôt de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion;

2 pour les territoires ou les unités territoriales auxquels la Convention a été étendue conformément à l'article 39 ou 40, le premier jour du troisième mois du calendrier après la notification visée dans ces articles.

Article 44

La Convention aura une durée de cinq ans à partir de la date de son entrée en vigueur conformément à l'article 43, alinéa premier, même pour les Etats qui l'auront postérieurement ratifiée, acceptée ou approuvée ou qui y auront adhéré.
La Convention sera renouvelée tacitement de cinq ans en cinq ans, sauf dénonciation.
La dénonciation sera notifiée, au moins six mois avant l'expiration du délai de cinq ans, au Ministère des Affaires Etrangères du Royaume des Pays-Bas. Elle pourra se limiter à certains territoires ou unités territoriales auxquels s'applique la Convention.
La dénonciation n'aura d'effet qu'à l'égard de l'Etat qui l'aura notifiée. La Convention restera en vigueur pour les autres Etats contractants.

Article 45

Le Ministère des Affaires Etrangères du Royaume des Pays-Bas notifiera aux Etats Membres de la Conférence, ainsi qu'aux Etats qui auront adhéré conformément aux dispositions de l'article 38:

1 les signatures, ratifications, acceptations et approbations visées à l'article 37;

2 les adhésions visées à l'article 38;

3 la date à laquelle la Convention entrera en vigueur conformément aux dispositions de l'article 43;

4 les extensions visées à l'article 39;

5 les déclarations mentionnées aux articles 38 et 40;

6 les réserves prévues aux articles 24 et 26, alinéa 3, et le retrait des réserves prévu à l'article 42;

7 les dénonciations visées à l'article 44.

EN FOI DE QUOI, les soussignés, dûment autorisés, ont signé la présente Convention.

FAIT à La Haye, le 25 octobre 1980, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement du Royaume des Pays-Bas et dont une copie certifiée conforme sera remise, par la voie diplomatique, à chacun des Etats Membres de la Conférence de La Haye de droit international privé lors de sa Quatorzième session.

one or both of the reservations provided for in Article 24 and Article 26, third paragraph. No other reservation shall be permitted.
Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.
The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in the preceding paragraph.

Article 43

The Convention shall enter into force on the first day of the third calendar month after the deposit of the third instrument of ratification, acceptance, approval or accession referred to in Articles 37 and 38.

Thereafter the Convention shall enter into force –

1 for each State ratifying, accepting, approving or acceding to it subsequently, on the first day of the third calendar month after the deposit of its instrument of ratification, acceptance, approval or accession;

2 for any territory or territorial unit to which the Convention has been extended in conformity with Article 39 or 40, on the first day of the third calendar month after the notification referred to in that Article.

Article 44

The Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 43 even for States which subsequently have ratified, accepted, approved it or acceded to it. If there has been no denunciation, it shall be renewed tacitly every five years.
Any denunciation shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands at least six months before the expiry of the five year period. It may be limited to certain of the territories or territorial units to which the Convention applies.
The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 45

The Ministry of Foreign Affairs of the Kingdom of the Netherlands shall notify the States Members of the Conference, and the States which have acceded in accordance with Article 38, of the following –

1 the signatures and ratifications, acceptances and approvals referred to in Article 37;

2 the accessions referred to in Article 38;

3 the date on which the Convention enters into force in accordance with Article 43;

4 the extensions referred to in Article 39;

5 the declarations referred to in Articles 38 and 40;

6 the reservations referred to in Article 24 and Article 26, third paragraph, and the withdrawals referred to in Article 42;

7 the denunciations referred to in Article 44.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at The Hague, on the 25th day of October 1980 in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fourteenth Session.

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Pour la République Fédérale d'Allemagne,
For the Federal Republic of Germany,

Pour l'Espagne,
For Spain,

Pour l'Argentine,
For Argentina,

Pour les Etats-Unis d'Amérique,
For the United States of America,

Pour l'Australie,
For Australia,

Pour la Finlande,
For Finland,

Pour l'Autriche,
For Austria,

Pour la France,
For France,

(s.) J. D. JURGENSEN
(s.) H. BATIFFOL

Pour la Belgique,
For Belgium,

Pour la Grèce,
For Greece,

(s.) D. EVRIGÉNIS

Pour le Canada,
For Canada,

(s.) GEORGES H. BLOUIN
(s.) ALLAN LEAL

Pour l'Irlande,
For Ireland,

Pour le Danemark,
For Denmark,

Pour Israël,
For Israel,

Pour la République Arabe d'Egypte,
For the Arab Republic of Egypt,

Pour l'Italie,
For Italy,

Pour le Japon.
For Japan.

Pour la Suisse.
For Switzerland.

(s.) FRANK VISCHER

Pour le Luxembourg.
For Luxemburg.

Pour le Surinam.
For Surinam.

Pour la Norvège.
For Norway.

Pour la Tchécoslovaquie.
For Czechoslovakia.

Pour le Portugal.
For Portugal.

Pour la Turquie.
For Turkey.

Pour le Royaume des Pays-Bas.
For the Kingdom of the Netherlands.

Pour le Vénézuela.
For Venezuela.

Pour le Royaume-Uni de Grande Bretagne
et d'Irlande du Nord.
For the United Kingdom of Great Britain
and Northern Ireland.

Pour la Yougoslavie.
For Yugoslavia.

Pour la Suède.
For Sweden.

*Copie certifiée conforme à l'original*

*Certified true copy of the original*

Le Directeur des Traités
du Ministère des Affaires Etrangères
du Royaume des Pays-Bas:

The Director of Treaties
of the Ministry of Foreign Affairs
of the Kingdom of the Netherlands:

H. Smdaal